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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/898,357	07/03/2001	Dennis P. Joyce	7000-075	1061

27820 7590 01/17/2002

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EXAMINER

LY, NGHI H

ART UNIT PAPER NUMBER

2682

DATE MAILED: 01/17/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

N.M.

Office Action Summary

Application No.

09/898,357

Applicant(s)

JOYCE ET AL.

Examiner

Nghi H. Ly

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). ____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____ 6) ☐ Other:

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

2. Claims 1-26 are rejected under 35 U.S.C. 102(a) as being anticipated by Hollenberg (US 6,091,956).

Regarding claim 1, Hollenberg teaches a method for delivering content to a mobile terminal comprising: determining a location of the mobile terminal (see column 8 line 65-68), determining a locality encompassing the location of the mobile terminal (see column 5 line 19-28 or column 8 line 65-68), accessing content based on the locality and delivering the content to the mobile terminal (see column 7 line 31-37 or column 9 line 11-14).

Regarding claims 2 and 13, Hollenberg teaches the locality encompassing the mobile terminal is determined by: sending a request to a locality service to associate the location of the mobile terminal with a locality encompassing the location of the mobile terminal (see column 24 line 25-28), receiving a response from the locality service identifying the locality encompassing the location of the mobile terminal (see column 24 line 29-34), and the locality service includes a plurality of locations defining geographic areas (see column 8 line 34-43).

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Regarding claims 3 and 14, Hollenberg teaches the content is accessed by: sending a request to a content provider including the locality (see fig.14 box 128 or column 24 line 25-28), and receiving the content from the content provider (see fig.13 box 94 and box 99 or column 24 line 29-34).

Regarding claims 4 and 15, Hollenberg teaches the step of accessing content is further based on a type of content desired by a user of the mobile terminal (see fig.14 box 127).

Regarding claims 5 and 16, Hollenberg teaches the step of accessing content is further based on characteristics of a user of the mobile terminal (see column 9 line 15-22).

Regarding claims 6 and 17, Hollenberg teaches the locality defines a recognized geographic area (see column 5 line 19-28).

Regarding claims 7 and 18, Hollenberg teaches the locality defines a geographic area about a point of presence for a content provider (see column 7 line 31-40).

Regarding claims 8 and 19, Hollenberg teaches the content accessed based on locality relates to a point of presence within the locality (see column 9 line 10-14).

Regarding claims 9 and 20, Hollenberg teaches accessing a profile associated with a user of the mobile terminal (see column 9 line 15-22) and the step of accessing the content is further based on criteria within the profile such that the criteria further identifies the type of content to access (see column 9 line 15-22).

Regarding claims 10 and 21, Hollenberg teaches accessing a profile associated with a point of presence with the locality and wherein the step of accessing the content

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is further based on criteria within the profile such that the criteria further identifies the type of content to access (see column 32 line 9-17).

Regarding claims 11 and 22, Hollenberg teaches the locality encompassing the mobile terminal is determined by identifying a zone of acceptance about the location of the mobile terminal and identifying the locality at least partially covering the zone of acceptance (see fig.14 "YES" in step 131 then follow by steps 127,128,129 and 130).

Regarding claims 12 and 23, Hollenberg teaches a system for delivering content to a mobile terminal comprising an interface (see fig.3 network 30b connect with 31b) and a control system (see fig.3 36b) adapted to: determine a location of the mobile terminal (see column 8 line 65-67), determine a locality encompassing the location of the mobile terminal (see column 8 line 65-67), access content based on the locality (see column 7 line 33-37), and send the content to the mobile terminal (see column 7 line 33-37).

Regarding claim 24, Hollenberg teaches a method for delivering content to a mobile terminal comprising: determining a location of the mobile terminal (see column 8 line 65-68), determining a location of a point of presence having associated content (see column 9 line 11-14 or column 7 line 33-37), determining a relative proximity between the location of the mobile terminal and the location of the point of presence (see column 9 line 11-14 or column 7 line 33-37), accessing the associated content if the relative proximity between the location of the mobile terminal and the location of the point of presence is within a desired range (see column 7 line 33-37) delivering the associated content to the mobile terminal (see column 7 line 33-37).

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Regarding claim 25, Hollenberg teaches the location of the point of presence is a locality (see column 7 line 33-37).

Regarding claim 26, Hollenberg teaches the relative proximity between the location of the mobile terminal and the location of the point of presence is determined by determining a locality encompassing the location of the mobile terminal (see column 7 line 33-40).

Conclusion

3. The prior art made of record and not relied upon is consider pertinent to applicant's disclosure.

a. Smith (US 6,314,365) teaches method and system of providing navigation services to cellular phone devices from a server.

b. Ito (US 5,999,126) teaches position measuring apparatus, position measure method, navigation apparatus, navigation method, information service method, automotive vehicle, and audio information transmitting and receiving method.

c. Takahashi et al (US 6,097,313) teaches information exchange system.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nghi H. Ly whose telephone number is (703) 605-5164. The examiner can normally be reached on 8:30 am-5:30 pm.

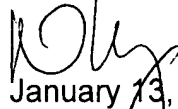
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivian Chang can be reached on (703) 308-6739. The fax phone numbers


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for the organization where this application or proceeding is assigned are (703) 872-9314 for regular communications and (703) 872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Nghi H. Ly


January 13, 2002


1-14-02

NGUYEN T. VO
PRIMARY EXAMINER